

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7412 OF 2004

Tanaji Murlidhar Bankar .. Petitioner.
Vs.
Pratapgir Keshavgir
Gosavi and Others .. Respondents.

Mr.J.G.Reddy for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 8TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Reddy, learned counsel for the petitioner.

2. Merely because the plaintiff in his cross examination did not give satisfactory reply in respect of the suit property and in particular the lane adjacent to the disputed premises, the defendant cannot seek to appoint the Court Commissioner. Though the reasons recorded by the learned Judge in the impugned order dated 19.6.2004 are not happily worded I find no reason to interfere with the same. It is always open for the defendant to examine himself or any other witness to establish a fact situation as averred in the

written statement. Ex-facie, I do not find any illegality in the impugned order. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)